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Secretary Marlene H. Dortch

Office of the Secretary, Federal Communications Commission  
445 12th Street, SW

Washington D.C. 20554

Re: MB Docket No. 04-233 – the perspective of a not for profit  
broadcaster

Dear Secretary Dortch:

I read the FCC's Localism Proposal with great concern for the future integrity and freedom of the broadcasting business. I am an attorney who helped to form a not for profit Christian radio station and have been a board member for over 20 years. If more broadcast regulation of commercial stations was necessary, which I deny, the requirements should not include not for profit stations whether religious or tax exempt under any other provision. Our listening audience is "local" by definition and they provide 100% of our financial support, we do not even let businesses sponsor a particular program so as to not confuse the public or require us to change the format to satisfy an advertiser. If we do not meet the needs of the public they would put us out of business by non-support, and interference by government would be unnecessary and even dictatorial – the opposite of freedom and liberty upon which our country was founded.

Specifically:

A. Better Communication Our station and every station I know about already do listener surveys, and publicize contact information over the air and on their web site. Our station, like other not for profits, does an annual share during which people come in to the studio, call in or contact the web site to give us their financial support, encouragement or suggestions. The stations do it because it is good business, again if they don't - they fail, except perhaps for government funded public stations. It is the American free enterprise system at work and the system must prevail over despots and dictators, whether foreign that we have seen in the past, or our own government that was intended to serve the people, not attempt to run (and often ruin) free enterprise.

B. Community Advisory Boards These boards are totally unnecessary, that is why the requirement was abolished. If we do not learn from history you will make the same mistake again. The internet in a broad sense has replaced such boards. People are too busy to attend unnecessary meetings, held to satisfy an unneeded rule from a bloated agency. I have seen how they operate and served on such boards, and they always tend to be just social occasions attended by people who enjoy the free dinners and often want to just promote their own business, not the business of the meeting organizer. Where is the proven need for such a rule?

D. Lack of Access to Airwaves for Local Musicians YOU HAVE GOT TO BE KIDDING. Sounds like the FCC wants to dictate the type of music the public will hear whether or not the public would choose it? Courts in the past have created the "right" to have obscene speech and the "right" of privacy, neither of which can be found in any reasonable reading of the US Constitution. The government should protect the public because of gullible children and morally challenged people from lewd, obscene, self destructive and pornographic content but do not always do so. The public needs no protection from a station playing the wrong song unless the song falls into such a category; I have never heard anything close to destructive content on a not for profit broadcast and they should be exempt. Such stations usually welcome the songs of local

musicians if they are a quality product; the songs to be played over the air would need to be first recorded then mastered in a somewhat expensive process. Does the government intend to require the business's that record and master to do that free so the local radio station can play them? The venue that provides increased access for musicians already exists and is free on such internet places as U tube.

E. Guidelines for Processing Renewal Applications "NO" For all the reasons given above there should be no such guide lines as to not for profit stations. It would be an abomination to place power in the hands of federal employees that is, and in a free country, should be exercised by individual listeners.

G. Quantitative Standards I assume this means the number of hours the station is on the air and the number of such hours would go down if the FCC were to require a live person at each broadcast point. Hopefully it does not mean a certain amount of say music time is required or that if a particular viewpoint is expressed "fairness" would require equal time for an opposite point of view. The "Fairness Doctrine" was unfair for many reasons and is only supported by persons who can not compete on their own without federal intrusion.

H. Main Studio This proposal would eliminate running a broadcast station by satellite or even by an over the air ground signal that is picked up and rebroadcast on another frequency as many "satellators" or repeaters do now. This rule is contrary to the goal of expanded access to as many listening choices as possible. It reminds me of when the Comptroller of Currency used to limit banks to one branch within a few feet, except that the Comptroller kept expanding the number of branches and distance to increase banking services for the public. Why would the FCC take an opposite approach that would reduce choices for the public?

The courts have not yet made the mistake of finding a requirement for "localism" in the constitution but the proposals would encourage them to do so. At most the FCC should require

disclosing only how much financial support is not local, such as support from outside terrorist groups. The founders of our country placed only certain very limited powers in the hands of the federal government, with the rest reserved to the states. Federal powers dealt mostly with the protection of freedom by maintaining an army, but the powers have expanded through social engineering to include public health, safety and a federal financial system. The FCC proposals have no constitutional basis, are intrusive and could impinge on the right of free speech and religion. A Christian broadcast station believes it is serving its listeners when it uses Christian music and speakers to glorify God and explain the salvation of human souls. They will resist any attempt to report to a government in detail or to mandate that they should provide a platform for atheists, abortionists, or secular humanists, let them pay for their own distorted programming. When our station started, an FCC hearing judge forced us to share our frequency broadcast time equally with another group. The other group had lied about the resources they had available and filed after our station did. The other group claimed they would provide something for everyone much as the FCC now seems to want. They had wanted to merge with us but we knew they would manage to broadcast something that would offend all their listeners and that is exactly what happened. They could stay on the air only 3 months before going bankrupt because in their desire to please everyone they would offend everyone by promoting views that were the opposite of any given listener and no listener would therefore provide financial support. Please do not lend the force of governmental powers to a system that would defy logic and the natural operation of the broadcast system.

Very Truly Yours,  
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